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**IN THE UNITED STATES DISTRICT COURT
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

LISA S. BLACK,)	CIVIL ACTION NO. 05-0038
)	
Plaintiff,)	
)	
vs.)	
)	
JIM BREWER, individually and in his)	DEFENDANT CNMI PUBLIC
official capacity as Acting Principal for)	SCHOOL SYSTEM'S MOTION FOR
Hopwood Junior High School,)	LEAVE TO FILE AND SIXTH
COMMONWEALTH OF THE NORTHERN)	MOTION IN LIMINE TO EXCLUDE
MARIANA ISLANDS PUBLIC SCHOOL)	TESTIMONY REGARDING
SYSTEM, and JOHN AND/OR JANE DOE,)	EVIDENCE WHICH IS IRRELEVANT
)	AND WOULD UNNECESSARILY
Defendants.)	EMBARRASS WITNESSES

**MOTION FOR LEAVE TO FILE AND MOTION IN LIMINE TO EXCLUDE
TESTIMONY/ QUESTIONS REGARDING EVIDENCE WHICH IS IRRELEVANT
AND WOULD UNNECESSARILY EMBARRASS WITNESSES**

Comes now the CNMI Public School System (PSS), through Counsel, requests leave to file this motion past the deadline for motions in limine of February 7, 2007. In support of this motion for leave to file out of time, Defendant PSS refers the court to the Declaration of Heather L. Kennedy stating the circumstances where Defendant PSS only learned of the Plaintiff's intent to offer into evidence harassing, inappropriate and irrelevant evidence yesterday.

Based on this recently acquired information of Plaintiff's intent to ruin reputations of

1 Defendant Brewer and another Hopwood Administrator, Defendant PSS requests leave to move
2 to exclude this harassing, inappropriate and irrelevant information from evidence in this case.

3 WHEREFORE, Defendant PSS moves this Court to issue an order excluding all
4 references by parties, attorneys and witnesses, including all direct and indirect forms of
5 communications, including pleadings, questions, testimony, remarks and arguments, regarding
6 the following:

- 7 1. Any questions or testimony of consensual relationships and sexual history
8 involving Defendant Brewer and others.
- 9 2. Any questions or testimony regarding the circumstances of Defendant Brewer
10 leaving prior employment because of an alleged affair with a co-worker.

11 Defendant PSS requests that the court exclude all such evidence and testimony pursuant to Fed.
12 R. Evid. 402, 403, and 611. The information is irrelevant and if considered marginally relevant,
13 it is prejudicial and misleading as stated in this motion and the supporting memorandum.
14

15 Respectfully submitted this 16th day of February, 2007.
16

17 CNMI Public School System
18 Attorneys for the Public School System
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20 By: _____/s/_____
21 Heather L. Kennedy F0246
22 Karen M. Klaver F0241
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